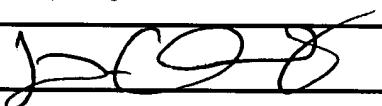


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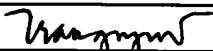
TRANSMITTAL FORM <i>MAY 18 2005</i> <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/079,468
		Filing Date	February 19, 2002
		First Named Inventor	Christopher M. Fender
		Art Unit	1631
		Examiner Name	Ardin H. Marschel
Total Number of Pages in This Submission	1	Attorney Docket Number	399483

ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449 Copies of five cited references Certificate of Mailing Return Postcard	
		Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Lathrop & Gage LC		
Signature			
Printed Name	Dan Cleveland, Jr.		
Date	May 16, 2005	Reg. No.	36,106

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	
Typed or printed name	MiMi Nguyen
Date	May 16, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

MAY 18 2005

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
180.00

Complete if Known	
Application Number	10/079,468
Filing Date	February 19, 2002
First Named Inventor	Christopher M. Fender
Examiner Name	Marschel, Ardin H.
Art Unit	1631
Attorney Docket No.	399483

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify) : _____
 Deposit Account Deposit Account Number: 12-0600 Deposit Account Name: Lathrop & Gage LC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments
 Under 37 CFR 1.16 and 1.17

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity

Fee (\$) Fee (\$)

50

25

Each independent claim over 30 (including Reissues)

200

100

Multiple dependent claims

360

180

Total Claims

Extra Claims

Fee (\$)

Fee Paid (\$)

-20 or HP= _____ x _____ = _____

Multiple Dependent Claims

Fee (\$)

Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims

Extra Claims

Fee (\$)

Fee Paid (\$)

- 3 or HP= _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	Fee Paid (\$)

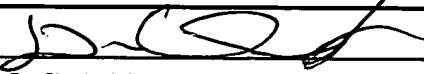
4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Submission of Information Disclosure Statement

180.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	36,106	Telephone	720-931-3012
Name (Print/Type)	Dan Cleveland, Jr.			Date	May 16, 2005

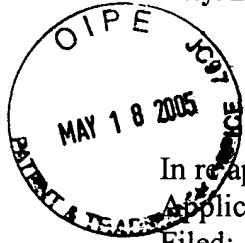
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF TRANSMISSION (37 CFR 1.8)			Atty Docket No. 399483
Applicant(s): Christopher M. Fender et al.			
Application No. 10/079,468	Filing Date February 19, 2002	Examiner Ardin H. Marschel	Group Art Unit 1631
Title: USE OF INFRARED SPECTROSCOPY IN GENOTYPIC ANALYSIS			
Date of Transmittal: <u>May 16, 2005</u>			
I hereby certify that the following documents:			
<ol style="list-style-type: none">1. Transmittal (1 page)2. Fee Transmittal FY 2005 (1 page, in duplicate)3. Supplemental IDS Statement (1 page)4. Form 1449 (1 page)5. Copies of five cited references (26 pages)6. Return postcard			
are being transmitted via United States First Class Mail to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313- 1450, on the date indicated above.			
		Name of Depositor/Transmitter MiMi Nguyen	
		Signature of Depositor/Transmitter 	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Christopher M. Fender
Application No.: 10/079,468 Group No.: 1631
Filed: February 19, 2002 Examiner: Marschel, Ardin H.

USE OF INFRARED SPECTROSCOPY IN GENOTYPIC ANALYSIS

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL
FILED UNDER 37 C.F.R. § 1.97(E)(2)

Pursuant to 37 C.F.R. §§§1.56, 1.97(e)(2) and 1.98, Applicant hereby submits a Supplemental Information Disclosure Statement Form PTO-1449 (modified). The submission of this IDS is not an admission of prior art. Rather, this IDS fulfills Applicants' duty of disclosure of patents and publications related to the invention pursuant to MPEP 2004: "(T)he question of relevancy in close cases, should be left to the examiner and not the applicant." Consideration of the foregoing in relation to this application is respectfully requested.

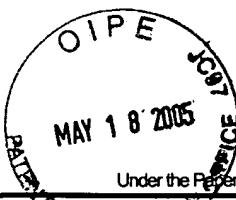
Please charge to Deposit Account 12-0600 the sum of \$180.00. Should any additional fees be required in connection with the filing of this Supplemental Information Disclosure Statement, the Commissioner is hereby authorized to charge said fees to Deposit Account No. 12-0600.

Respectfully submitted,

Date: May 16, 2005

By J. D. Cleveland
Dan Cleveland, Jr. , Reg. No. 36,106
LATHROP & GAGE L.C.
4845 Pearl East Circle, Suite 300
Boulder, Colorado 80301
Tele: (720) 931-3012
Fax: (720) 931-3001

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

1

Complete if Known

Application Number	10/079,468
Filing Date	February 19, 2002
First Named Inventor	Christopher M. Fender
Art Unit	1631
Examiner Name	Marschel, Ardin H.

Attorney Docket Number 399483

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		BRIM, CHARLES A. and J.P. ROSS, "Registration of Pickett Soybeans" (Reg. No. 52), Registration of Varieties, 1966, pg. 305	
		EPPS, JAMES M. and ALBERT Y. CHAMBERS, "The Soybean Cyst Nematode, Symptoms, Life Cycle, Spread, Host Range, Research on Control", Tenn. Farm Home Sci. Prog. Rep 1962	
		HYMOWITZ, T., "On the Domestication of the Soybean," Economic Botany, 1970, pp. 408-417	
		OSBORNE, B.G. and T. FEARN, "Near Infrared Spectroscopy in Food Analysis," Longman Scientific & Technical, John Wiley & Sons, Inc., New York, November 1986, pp. 1-7	
		YUE, PIN, "Genetics of Resistance to Heterodera glycines Races in Two Soybean Plant Introductions", May 2000, pp. 1, iv-v.	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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